

Department of Health
Rulemaking Hearing Rules
Board of Social Worker Certification and Licensure
Division of Health Related Boards

Chapter 1365-1
General Rules and Regulations

New Rule

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1365-1-.22 Free Health Clinic and Volunteer Practice Requirements

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(1) Free Health Clinic Practice Pursuant to T.C.A. § 63-1-201

(a) Any social worker licensed or certified to practice in this state or any other state who has not been disciplined by any licensure board may have his/her license or certificate converted to or receive a Tennessee “Special Volunteer License,” as defined in T.C.A. § 63-1-201, which will entitle the licensee or certificate holder to practice without remuneration and solely within a “free health clinic,” as defined by T.C.A. § 63-1-201, at a specified site or setting by doing the following:

1. Obtaining from the Board’s administrative office a “Special Volunteer License” application, completing it and submitting it along with any required documentation to the Board’s administrative office; and
2. Have the licensing authority of every state in which the social worker holds or ever held a license or certificate to practice submit directly to the Board’s administrative office the equivalent of a “certificate of fitness” as described in T.C.A. § 63-1-118 which shows that the license or certificate has never been subjected to any disciplinary action and is free and clear of all encumbrances; and
3. For social workers who have not been licensed or certified in Tennessee, comply with all provisions of subparagraphs (3) (e) and (3) (f) of rule 1365-1-.05 and the Health Care Consumer-Right-To-Know Act compiled at T.C.A. §§ 63-51-101, et seq.; and

4. Submitting the specific location of the site or setting of the free health clinic in which the licensee or certificate holder intends to practice along with proof of the clinic's private, and not-for-profit status.
- (b) A social worker holding a Special Volunteer License is not required to pay any fee for its issuance or the required biennial renewal pursuant to the Division of Health Related Board's biennial birthdate renewal system.
 - (c) A social worker holding a Special Volunteer License may not do any of the following:
 1. Practice anywhere other than in the free health clinic site or setting specified in the application; and
 2. Charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of medical or any other services; and
 3. Practice for any free health clinic that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
 - (d) Special Volunteer Licenses are subject to all of the following
 1. All rules governing renewal, retirement, reinstatement and reactivation as provided by rules 1365-1-.09 and .11, except those requiring the payment of any fees; and
 2. The rules governing continuing education as provided by rule 1365-1-.12; and
 3. Disciplinary action for the same causes and pursuant to the same procedures as all other licenses and certificates issued by the Board.
- (2) Practice Pursuant to the "Volunteer Health Care Services Act" T.C.A. §§ 63-6-701, et seq.

- (a) Any social worker licensed or certified in this or any other state, territory, district or possession of the United States whose license or certificate is not under a disciplinary order of suspension or revocation may practice in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (b) Any person who may lawfully practice in this or any other state, territory, district or possession of the United States under an exemption from licensure or certification and who is not under a disciplinary order of suspension or revocation and who is not and will not “regularly practice,” as defined by T.C.A. § 63-6-703 (3) may practice in this state but only under the auspices of an organization that has complied with the provisions of this rule and T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
 - (c) A social worker or anyone who practices under an exemption from licensure or certification pursuant to this rule may not charge any fee or receive compensation or remuneration of any kind from any person or third party payor including insurance companies, health plans and state or federal benefit programs for the provision of medical or any other services; and may not practice for any organization that imposes any charge on any individual to whom health care services are rendered or submits charges to any third party payor including insurance companies, health plans and state or federal benefit programs for the provision of any services.
 - (d) Any organization that organizes or arranges for the voluntary provision of health care services on residents of Tennessee may utilize persons described in subparagraphs (a) and (b) to practice only when it has complied with the provisions of T.C.A. §§ 63-6-701 through 707 and rule 1200-10-1-.12 of the Division of Health Related Boards.
- (3) Application review and decisions for these types of licensure/certification or organization registration shall be governed by rule 1365-1-.07.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-201, 63-6-701 through 707, 63-23-102, 63-23-103, 63-23-108, 63-23-109, and 63-23-110.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 9th day of December, 2005, and will become effective on the 22nd day of

February, 2006.